

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-7154

In Re: KIRK PATRICK PETERSON,

Petitioner.

On Petition for Writ of Mandamus.
(CR-93-166, CA-97-242-2, CA-99-1082-1)

Submitted: October 26, 2000

Decided: November 2, 2000

Before WIDENER, MICHAEL, and KING, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Kirk Patrick Peterson, Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Kirk P. Peterson has filed a petition for a writ of mandamus seeking an order directing the district court to process: (1) his notice of appeal of the district court's denial of his petitions for a writ of coram nobis and writ of mandamus; and (2) a Fed. R. Civ. P. 60(b) motion for reconsideration of an order denying Peterson's 28 U.S.C.A. § 2255 (West Supp. 2000) motion. Peterson also requests that this court direct the district court to produce a copy of the previously entered memorandum opinion that denied his 28 U.S.C.A. § 2255 motion.

Mandamus is a drastic remedy to be used only in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976). The party seeking mandamus relief carries the heavy burden of showing that he has no other adequate means to attain the relief he desires and that his right to such relief is clear and indisputable. See Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35 (1980).

Peterson has not made such a showing.* Accordingly, although we grant Peterson's motion to proceed in forma pauperis, we deny

* The documents submitted by Peterson do not substantiate his claims that he actually submitted such documents to the district court for filing. Furthermore, we find that Peterson has not shown that he has no other adequate means to attain relief. As to obtaining a copy of the district court's order denying relief on his 28 U.S.C.A. § 2255 motion, Peterson must petition the district court directly.

his petition for mandamus relief. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED